

HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

CONTINENTAL CASUALTY COMPANY

Plaintiff,

v.

ROSALINDA HERRERA HEREDIA,
individually and as parent and guardian of
A.R.H., a minor; JUAN REYES TAPIA;
LESLIE REYES-HERRERA; ANA HERRERA
HEREDIA, individually and as parent and
guardian of E.H., a minor; EDUARDO
HERNANDEZ HERRERA; SAMPSON
KWAKU GYAN and GEORGINA
TWUMWAA GYAN, both individually and as
parents and guardians of M.G., a minor;
AMANDA POMAA GYAN; FRANCIS
KWADWO GYAN; ANGELINA ADOMA
GYAN; MEUY CHANG SAETURN and
BUON DUANGPRASAERT, both individually
and as parents and guardians of A.D., a minor;
GIFTY EGHAN; JOYCE MENSAH,
individually and as parent and guardian of E.D.,
a minor, JUSTIN ALEXANDER (as assignees
of VIP International Real Estate Group, Inc.);
and VIP International Real Estate Group, Inc., a
Washington corporation,

Defendants.

Case No. 2:24-cv-00917

**STIPULATED MOTION AND
~~{PROPOSED}~~ ORDER TO EXTEND
DEADLINES**

NOTE ON MOTION CALENDAR:
December 13, 2024

Plaintiff Continental Casualty Company (“Continental”), and Defendants Rosalinda Herrera Heredia, A.R.H., Juan Reyes Tapia, Leslie Reyes-Herrera, Ana Herrera Heredia, E.H., Eduardo Hernandez Herrera, Sampson Kwaku Gyan, Georgina Twumwaa Gyan, MG., Amanda Pomaa Gyan, Francis Kwadwo Gyan, Angelina Adoma Gyan, Meuy Chang Saeturn, Buon Duangprasaert, A.D., Gifty Eghan, Joyce Mensah, E.D., and Justin Alexander (the “Individual Defendants”) and Defendant VIP International Real Estate Group, Inc. (“VIP”), (collectively, the “Parties”), stipulate and agree as follows and request that the Court enter an order consistent with the following:

1. This action was brought by Continental to establish its rights and obligations, or lack thereof, relative to a contract for insurance issued to Defendant VIP.

2. This action relates to an underlying action in King County Superior Court brought by “Individual Defendants” (“Underlying Plaintiffs”) against Defendant VIP and others. In that related action, VIP and Underlying Plaintiffs had executed a settlement agreement containing an assignment of rights from VIP to Underlying Plaintiffs for causes of action against Plaintiff Continental. The settlement agreement contemplated a hearing on the reasonableness of the settlement before the trial court—the hearing for which was set for October 18, 2024.

3. On October 3, 2024, this Court issued a Minute Order Setting Initial Case Management Dates ordering the parties to conduct a Rule 26(f) conference no later than November 14, 2024, exchange initial disclosures by November 21, and submit the Joint Status Report by November 29. Dkt. No. 23.

4. On November 1, Underlying Plaintiffs pleaded the assigned causes of action in their counterclaim against Continental, namely for bad faith insurance practices in the defense and indemnity of VIP.

5. All parties participated in a Rule 26(f) conference on November 7, 2024.

1 6. On November 14, 2024, Judge Nelson Lee of King County Superior Court denied
2 Underlying Plaintiffs' petition for reasonableness of the settlement.

3 7. On November 25, 2024, the parties filed a stipulated motion to extend the initial disclosure
4 deadline and Joint Status Report deadlines to December 13, 2024, in light of the upcoming
5 Thanksgiving holiday, VIP's pending motion to dismiss (Dkt. No. 29), and other matters. That
6 motion was granted the same day (Docket No. 33).

7 8. Underlying Plaintiffs and VIP expect to arbitrate issues relevant to the pending lawsuit.
8 The parties hope to schedule this arbitration in April or May, 2025, but no date has yet been set.
9 Underlying Plaintiffs expect to serve a statement of the case, based on which VIP and the
10 Underlying Plaintiffs will evaluate a discovery schedule prior to arbitration.

11 9. Defendants may file a motion to stay on these grounds. The Parties are looking into
12 creating a briefing schedule on a motion to stay. Continental does not, however, believe a stay is
13 appropriate, and the Parties are also discussing potential reasonable extensions of discovery
14 obligations to accommodate Defendants' concerns related to seeking a stay (Continental has
15 already agreed to accommodations with VIP in relation to the pending motion to dismiss).

16 10. Based on the foregoing, the Parties agree that good cause exists to extend the initial
17 disclosure and JSR deadlines to **January 13, 2025**, and request that the Court so extend the
18 deadlines. This will provide the parties more time to evaluate and discuss the above issues. Given
19 the multitude of issues noted above, the Parties anticipate it may be necessary to seek an additional
20 extension of the initial disclosure and JSR deadlines.

Dated this 13th day of December, 2024

DLA PIPER LLP (US)

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Eghan, Joyce Mensah, E.D., and Justin
Alexander*

ORDER

IT IS SO ORDERED.

Dated this 13th day of December 2024.

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

HONORABLE JOHN C. COUGHENOUR
United States District Judge

PRESENTED BY:

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s/ Anthony Todaro

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CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorney of record for the parties.

Dated this 13th day of December, 2024.

s/ Jacey Bittle

Jacey Bittle, Legal Executive Assistant